

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DWAYNE J. HILL,
Petitioner,

v.

JAMES PRICE, *et al.*,
Respondents.

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CIVIL ACTION NO. 98-CV-1769

ORDER

AND NOW, this 1st day of February, 2022, in consideration of Petitioner Dwayne J. Hill's "Motion to Modify Judgment" which seeks relief from judgment pursuant to Federal Rule of Civil Procedure 60(b) (ECF No. 45), it is **ORDERED** that:

1. The Motion is **DISMISSED** for lack of subject matter jurisdiction without prejudice to Hill's right to file with the United States Court of Appeals for the Third Circuit an application to file a second or successive habeas petition. *See* 28 U.S.C. § 2244(b)(3)(A).

2. A Certificate of Appealability is **DENIED** pursuant to 28 U.S.C. § 2253(c) because reasonable jurists would not debate the propriety of this Court's procedural ruling with respect to these claims. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

BY THE COURT:

/s/Petrese B. Tucker

PETRESE B. TUCKER, J.